

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
MEETING ROOM #113
TUESDAY, FEBRUARY 23, 1999
9 A.M.**

Commissioners Present: Kathy Campbell, Chair
Linda Steinman
Larry Hudkins
Bernie Heier
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Ann Taylor, County Clerk's Office
Merle Jahde, Developer

AGENDA ITEM

1 APPROVAL OF COUNTY BOARD STAFF MEETING MINUTES OF THURSDAY, FEBRUARY 18, 1999

MOTION: Steinman moved and Workman seconded approval of the minutes. On call Steinman, Workman, Heier and Hudkins voted. Campbell abstained from voting. Motion carried.

2 RURAL LAND USE PLAN IN LANCASTER COUNTY - John Bradley, Interim Planning Director; Mike DeKalb, Planning Department

Campbell reported that the County Board had set, as one of its goals for 1999, to hold a series of work sessions on rural land use issues. As part of that process, the Board will review current rural land use policy, reassess the recommendations of the Rural Land Use Task Force and determine an appropriate course of action.

Campbell noted the Planning Commission is also involved in discussion on rural land use issues and indicated that the Board will seek to dovetail with those efforts.

Mike DeKalb, Planning Department, briefly summarized the content of the following maps:

- * *Lancaster County's Land Use Plan*
- * *Lancaster County Flood Boundary and Floodway Map*
- * *Lancaster County, Nebraska Aerial Photo Mosaic - April 18, 1993*
- * *Zoning: Lancaster County Detail Map*
- * *Lancaster County, Nebraska Proposed Highway Improvement Program - Fiscal 1999*
- * *Lancaster County, Nebraska Proposed Highway Improvement Program - Fiscal Years 2000-2004*

DeKalb explained that the Comprehensive Plan reflects the City Council and County Board's vision for the future, but tools such as the Capitol Improvement Program, City Zoning Ordinances, County Zoning Regulations and the County's Land Subdivision Regulations guide its implementation.

DeKalb distributed copies of *County Change of Zone Policy* (Exhibit A) and provided a brief history on the origin of lot size regulations, noting current lot size requirements:

- * Agriculture (AG) - 20 acres minimum
- * Agriculture Residential (AGR) - 3 acres minimum
- * Subdivision - 10 acres or less, by State law

DeKalb stated that prior to 1967, parcels of land more than 5 acres in size did not require subdivision approval. A number of these lots still exist within the county. He also noted that the County Board has the authority, under Subdivision Regulations, to review the split of any parcel of land, 10 acres or less in size.

In response to a question from Hudkins, DeKalb stated that Community Unit Plans apply to all residential districts within the City and County, noting that the minimum number of acres allowable for a cluster plan in the County is 75 acres. He stated there is a "grandfathering" clause for all lots reported to the Register of Deeds, prior to 1979, and a "farmstead exception" to the 20 acre rule, which allows the split-off of a farmhouse in existence for more than five years, that passes minimum housing code and health inspection of the septic system and well.

Workman asked whether 20 acre lots with no buildings were protected under a "grandfather clause".

DeKalb stated yes, noting there is flexibility under the Agriculture (AG) zoning requirement, to allow for 20 acres or one half of one 1/4 of 1/4 of a section.

Heier asked how many lots are allowable in a Community Unit Plan on a 75 acre parcel.

DeKalb explained that three lots would be allowed under straight zoning, although the 20 percent dwelling unit bonus for a Community Unit Plan would boost the number of lots to four. Configuration would be up to the applicant. He indicated that roads are typically constructed by the applicant and must meet County Road Standards, although private roads could be constructed with slightly lower road standards.

In response to a question from Workman, DeKalb stated frontage access setbacks are not applied to 20 acre lots, however use requirements are applicable.

DeKalb estimated that two thirds of the County's building permits for acreages are located within the three mile zoning jurisdiction, with the remaining one third located throughout the County, excluding the other towns' jurisdictions. He reported that the total number of building permits increases by approximately 100 each year.

John Bradley, Interim Planning Director, stated that 90 percent of the building permits issued each year are within the City, and 10 percent within the County, which reflects the County's population distribution.

In response to a question from Heier, DeKalb explained that every incorporated town that enforces zoning and planning has extra territorial jurisdiction outside its town limits. Size and class of town dictates whether this jurisdiction extends one, two or three miles. Complete authority is extended to the entity within whose zoning jurisdiction a parcel is located. If a parcel is split between two jurisdictions, each entity will maintain authority over the portion that falls within their zoning jurisdiction. He noted that City and County protocol dictates that, if there is split jurisdiction between those two entities, the County Board will take action on the application first because the County provides services support.

Campbell recommended that Board members review the following materials:

- * *Lincoln City - Lancaster County Comprehensive Plan*
- * *County Zoning Regulations*
- * *Lancaster County Land Subdivision Regulations*
- * *Lancaster County One and Six Year Road and Bridge Improvement Plan*
- * *Rural Residential Development: Lancaster County, Nebraska*

DeKalb reported that the County Assessor estimated in the *Rural Residential Development: Lancaster County, Nebraska* report that there are approximately 1,600 buildable and accessible lots, less than 20 acres in size, within the County.

Campbell noted that Geographic Information System (GIS) overlay maps should help determine where those lots are located and assist the County Board in identifying additional "sweet spots" within the County where development would have minimal infrastructure cost impact.

DeKalb noted there will always be unknown factors, such as groundwater.

Brief discussion followed with suggestions that access to information regarding registration of new wells within the County and building and electrical permits would be beneficial.

Heier questioned why there is interruption of roads, such as West Davey Road, that have the potential to provide a through traffic route.

DeKalb explained that the County Engineer bases the county road network on traffic patterns and counts, and in areas adjacent to Lincoln, he is blending with the City of Lincoln's transportation map.

Heier asked whether acreage owners are required to set aside an allowance for a future roadway.

DeKalb stated the County can request 50' along the County section line in subdivisions. This request was not made in the Silver Springs subdivision on South 56th Street because the road would have intersected wetlands and the County Engineer did not want to incur bridge and environmental impact expense. He noted that the City Engineer has generally deferred to the County Engineer on roads within the three mile zoning jurisdiction, as those will be classified as county roads.

In response to a question from Campbell, Bradley stated that the Planning Commission is primarily interested in acreage policy within the three mile zoning jurisdiction. He noted that formation of the Three Mile Acreage Task Force was delayed until the Fringe Growth Task Force's evaluation of ways to provide infrastructure was completed. That process is now in mediation and recommendations will be delayed until following the election to allow newly elected officials input on policy decisions.

DeKalb reported the Fringe Growth Task Force decided to focus on how to finance and accelerate placement of infrastructure ahead of development proposals. He noted that the Direction of Growth Study, which resulted in identification of S-1 and S-2 as primary areas, and N-1 and N-2 as secondary areas, of directional growth was conducted in tandem with those efforts. The Stevens Creek Sub-Basin Study of E-1 through E-5 is also being conducted.

Bradley stated the homebuilding industry is concerned that the supply of buildable lots has been constrained by the gravity sewer policy, sewer assessments and the process of proceeding from one sub-basin to another. Developers are pushing for development in the Stevens Creek Basin rather than the 25 square miles designated in the Comprehensive Plan for residential development. He cautioned that too much future land is being opened up for development without the financial ability to provide infrastructure.

Campbell noted that the County Board needs to know where the City plans to spend money on infrastructure in order to make rural land use decisions that logically fit with that plan.

DeKalb indicated that Agriculture (AG) zoned areas within the City's three mile zoning jurisdiction, where two thirds of the County's acreages are located, is used as an urban reserve zone by the City. Property in the S-1 and S-2 has been held in large parcels, enabling coalitions of landowners to put together large development packages and pay for and leverage infrastructure to serve those areas.

Brief discussion took place on the acreage grid placement system used in Sunrise Estates, which is located north of Southeast Community College.

Heier asked how sewer line is assessed when it crosses the property line of an owner.

Bradley reported that the Fringe Growth Task Force has concluded that the entire basin is considered benefitted and may be assessed on a per acre basis, forcing land into development or the City can elect to wait and recover its costs in a tap fee. He noted that non-tapable line will not be considered a benefit.

The Board requested that Bradley notify the Planning Commission that the County Board is working on development of a rural land use policy. In addition, the Board requested that a luncheon meeting be scheduled with members of the Planning Commission, upon completion of the planned series of work sessions on rural land use issues.

The Board also requested that the Planning Department supply the County Board with a large map of *Lancaster County - Fig. 2: Rural Residential Uses: Parcel Overview*.

Board consensus to hold the next work session with Don Thomas, County Engineer, at the County Engineer's Main Office, 444 Cherrycreek Road, on March 30th from 9 to 11 a.m.

3 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk